

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, May 15, 2013**  
**9:30 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: May 3, 2013**

**RE: Closed Session of the Board to be held on May 15, 2013**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. CAPRI SUN – KRAFT FOODS, 12-R2D5-1351
2. FERMA CORPORATION, 12-R2D2-1669
3. SENNA TREE COMPANY, 12-R3D1-1706

**PETITIONS FOR RECONSIDERATION:**

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. NORTHWOOD DESIGN PARTNERS, INC., 13-R1D4-9021
2. ROCHE EXCAVATING, INC., 13-R3D1-9236

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**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. A-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592
2. AC TRANSIT, 08-R1D4-0135
3. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
4. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
5. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
6. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241
7. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445  
AND 3448
8. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
9. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
10. C & L BLUE INC., 11-R4D1-2942 AND 11-R4D1-2943 THROUGH 2945
11. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
12. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
13. COMMERCIAL METAL FORMING, 09-R3D1-1592
14. COMMUNITY RECONSTRUCTION SOLUTIONS, INC., 11-R1D1-1484
15. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
16. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
17. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
18. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
19. EZ MIX, INC., 08-R4D3-1898

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20. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
21. HARRIS CONSTRUCTION, 03-R2D5-3914
22. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
23. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
24. IRWIN INDUSTRIES, 08-R6D4-1454
25. JERRY'S TREE SERVICE, A PARTNERSHIP, 13-R1D5-9022
26. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
27. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
28. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
29. LION RAISINS, INC., 08-R2D5-2253 AND 2254
30. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
31. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
32. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
33. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
34. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
35. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
36. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
37. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE  
CONTRACTING, INC., 08-R2D1-0025 AND 0026
38. PERSONNEL PLUS, INC., 11-R3D5-1302
39. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
40. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
41. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055

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42. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
43. SIERRA FOREST PRODUCTS, 09-R2D5-3979
44. SMUD, 08-R2D1-4887 THROUGH 4889
45. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414  
THROUGH 3418
46. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
47. SUNRISE GROWERES FROZ SUN FOODS, 09-R4D3-2850
48. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
49. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

**ORDERS AFTER REMAND:**

1. DENIO'S ROSEVILLE FARMERS MARKET & AUCTION INC., 11-R2D1-2431
2. McPHERSON ENTERPRISES, INC., 10-R2D5-0995

**ORDERS DISMISSING APPEAL:**

1. EARL CONSTRUCTION, 11-R4D2-2203 AND 2204
2. PERSONNEL PLUS, 12-R3D5-0013

**ORDERS GRANTING LEAVE TO FILE LATE APPEAL:**

**ORDERS DENYING LEAVE TO FILE LATE APPEAL:**

**LEGISLATION:**

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**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
3. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-80006047 (07-R5D1-3611)
4. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
5. SMUD, 34-2010-80000723 (08-R2D1-4887)
6. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
7. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
8. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
9. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH 2461)
10. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
11. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039 (07-R2D3-0275)
12. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
13. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
14. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
15. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
16. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)

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17. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
18. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
19. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
20. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
21. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
22. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
23. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
24. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
25. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
26. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881 (10-R5D1-3029)
27. HOME DEPOT USA, INC., BS141301 (10-3284)
28. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
29. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00628178 (10-3667)
30. THYSSENKRUPP ELEVATOR CORP., 34-2013-80001456 (11-2217 ~ 2219)
31. BIG LOTS STORES, INC., 37-2013-00045936 (11-R3D2-1929 ~ 1931)

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. ADMIRE ROOFING, 12-R4D3-2164
2. RENE AGUILAR, 12-R4D3-1686

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3. ALLEGIS GROUP DBA AEROTEK, 12-R2D4-1064
4. ALLIANCE ENVIRONMENTAL GROUP, INC., 12-R3D6-1754
5. ALLIED WEST PAPER CORP., 13-R3D3-0350 AND 0351
6. ALPHA POULTRY & LIVESTOCK EQUIPMENT, INC., 12-R2D4-3640
7. ANKA BEHAVIORAL HEALTH, INCORPORATED DBA PHOENIX ENTERPRISES, 12-R2D2-2575
8. APPLE MOUNTAIN GOLF RESORT, 12-R2D1-0263
9. BARRAZA FARM SERVICE, 12-R3D2-1906
10. BELK FARMS, LLC., 12-R3D3-2229
11. BELL CARTER FOODS, INC., 12-R2D3-2640
12. BLOCK TOPS, INC., 12-R2D1-2716
13. BLUE'S ROOFING CO., 12-R1D1-1736 THROUGH 1737
14. BOWMAN ASPHALT INC., 12-R4D6-2277
15. CALIFORNIA AMMONIA CO., DBA CALAMCO, 12-R6D3-2211
16. CAHILL CONTRACTORS, INC., 12-R1D4-2389
17. CALIFORNIA CHECK CASHING, 12-R2D2-3524
18. CALIFORNIA STEEL INDUSTRIES, INC., 12-R6D2-1881
19. CBS OUTDOOR, INC., 12-R1D4-2712
20. CENTRAL CALIFORNIA ALMOND, 12-R2D5-3779
21. CHILDREN'S HOSPITAL & RESEARCH CENTER, 11-R1D4-0652 THROUGH 0653
22. CLEARY BROS. LANDSCAPE, INC., 12-R1D4-0422 THROUGH 0424
23. C.L.P., 12-R1D3-3598
24. CONTEMPORARY SERVICES CORPORATION, 12-R3D3-2762

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25. CP CONSTRUCTION WEST, INC., 12-R1D3-2611
26. CROP PRODUCTION SERVICES, 12-R2D4-3672
27. C.T. GEORGIU PAINTING CO. , 12-R3D3-2322
28. CUMMING CONSTRUCTION, INC., 13-R1D4-1101 THROUGH 1102
29. DALTON ENTERPRISES, INC., 12-R3D1-2227
30. OMAR DIAZ DBA OJV SHEET METAL AND RAIN GUTTERS, 12-R1D1-1661
31. DIEDE CONSTRUCTION, INC., 12-R2D2-2723
32. DIGNITY HEALTH DBA ST. MARY'S MEDICAL CENTER, 12-R1D1-2873
33. DIVERSIFIED CRATING & PACKING INC., 12-R6D2-2411 THROUGH 2415
34. DIVERSIFIED UTILITY SERVICES, INC., 12-R3D2-0641
35. DUTRA STEEL INC., 12-R2D3-2464
36. E.B. AUTO BODY, INC., 12-R1D4-1793
37. E BUILD & TRUSS INC., 12-R3D2-3064 THROUGH 3066
38. ELLENSBURG LAMB COMPANY, INC DBA SUPERIOR FARMS,  
12-R2D2-0858
39. ENGINEERED FRAMING SYSTEMS, INC., 12-R4D3-2379 AND 2380
40. ESFANDI REV FAMILY 7/28/99 TRUST B RESB LLC ETAL, 12-R3D3-1398  
AND 1399
41. FLO TRONIC METAL MGF., INC., 12-R6D2-1290 THROUGH 1296
42. FOLSOM RECREATION CORP DBA FOLSOM LAKE BOWL, 12-R2D1-2318
43. GATEWAY PLASTERING INC., 12-R3D6-2161
44. GOODWILL INDUSTRIES OF ORANGE COUNTY, 12-R3D1-3710 AND  
13-R3D1-0484
45. GRANITE CONSTRUCTION COMPANY, 12-R5D2-2336



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46. GREAT OAKS WATER CO., 12-R1D2-3189 AND 3190
47. GREEN VALLEY RECYCLING, 12-R2D5-3641 AND 3642
48. GRUMA CORPORATION DBA MISSION FOODS, 12-R6D2-1611  
THROUGH 1615
49. HAND CRAFTED CABINETS, 12-R1D3-3381 AND 3382
50. HAR-BRO, INC., 12-R3D3-1747
51. HASA, INC., 12-R4D3-3535
52. HEARNCO, INC., 13-R4D7-0653
53. H J HEINZ CO., 10-R4D3-1869 THROUGH 1871 AND 13-R4D3-1276
54. HUNTER WOODWORKS, INC., 12-R6D2-2386 THROUGH 2388
55. INSCO PAINTING SERVICES INC., INSCO PAINTING CO., 12-R6D5-2340  
THROUGH 2342
56. INTERNATIONAL DIOXIDE INC., 12-R2D1-0739
57. FOLSOM RECREATION CORP DBA FOLSOM LAKE BOWL, 12-R2D1-2318
58. INTRAVALIA ROCK AND SAND, INC., 12-R3D6-2404
59. ITS (INT'L TRANSPORTATION SERVICE INC.), 12-R6D2-1759
60. JACK LAI DBA JACK'S FLOORING, 12-R6D7-3661
61. JC CARTER, 12-R3D1-2271
62. JOANNE YOUNG, D.D.S., INC., 12-R4D3-1576 AND 1577
63. JOHN B EWLES INC., DBA EWLES MATERIALS, 12-R3D1-1987 AND 1988
64. KEMP BROS CONSTRUCTION, INC., 12-R4D3-3303
65. KENTER CANYON FARMS INC., 12-R4D3-2327
66. KEY CONTAINER COMPANY, INC., 12-R3D5-2934 AND 2935
67. KRAIG FISHER DBA KRAIG FISHER PAINTING, 12-R6D7-3514

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- 68. SATISH KUMAR, 12-R1D4-2391 AND 2392
- 69. LABOR READY, 12-R3D2-3464
- 70. LASSEN FOREST PRODUCTS, 11-R2D3-0436 THROUGH 0438
- 71. LAUSD JEFFERSON HIGH, 12-R4D1-2671
- 72. LEADING INDUSTRY, INC., 12-R4D3-1441 THROUGH 1443
- 73. LEONARD CHAIDEZ, INC., 12-R3D6-2430 AND 12-R3D6-3481
- 74. LIMBACH COMPANY LP, 12-R4D1-2954
- 75. L & L FOODS, INC., 12-R3D1-1112 THROUGH 1114
- 76. MARTIN CONSTRUCTION, INC., 12-R4D6-2408
- 77. MAXIM CRANE WORKS, LP, 12-R2D1-0700 AND 0701
- 78. MARINER HEALTH CARE DBA VALE HEALTHCARE CENTER,  
11-R2D2-1153
- 79. MUNGER FARMS, 12-R2D5-1985 AND 1986
- 80. MUSE TRUCKING CO., 12-R2D3-2420
- 81. VAN NGO DBA EURO NAIL SPA, 12-R1D3-1888 AND 1889
- 82. ORANGE COUNTY CONTAINER GROUP, 12-R3D6-2773
- 83. PARK HYATT AVIARA RESORT, 13-R3D2-0537
- 84. PROFORM CNC LLC, 12-R2D1-1415
- 85. RAMCO ENTERPRISES, L.P., 12-R1D2-2875
- 86. RANCHO HARVEST, INC., 12-R6D7-3340 AND 3341
- 87. REDEMPTION CONSTRUCTION, 12-R3D2-2467 AND 2468
- 88. ROBINSON FARMS, 12-R3D3-2230
- 89. RUBEN ALVAREZ DBA FRESH MARKET & PRODUCE DBA SALINAS  
PRODUCE, 12-R1D2-2699

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90. SACRAMENTO METRO FIRE DISTRICT, 12-R2D1-0518
91. SCOTT'S CORNER HAY, FEED & TACK, 13-R2D1-0603
92. SDI INSULATION, 12-R1D3-3596 AND 3597
93. SFUSD – THARESA MAHLER, 12-R1D1-2416
94. SJ CIMINO ELECTRIC INC., 12-R1D5-2713
95. SMITH PACKING, INC., 12-R6D7-3376
96. SOSA GRANITE & MARBLE, INC., 11-R1D4-2698 THROUGH 2699
97. SSB FARMING CO. LLC, 12-R2D5-0302 THROUGH 0306
98. SSB FARMING CO. LLC, 12-R2D5-0307 THROUGH 0309
99. SPARTECH POLYCOM, INC., 12-R3D6-2372 THROUGH 2374
100. STATE OF CALIFORNIA, CALPIA, 12-R2D2-1318
101. ST. BERNARDINE MEDICAL CENTER, 13-R3D3-0616 AND 0617
102. STEVE WILLS TRUCKING & LOGGING LLC., 12-R2D3-1380
103. STRONGHOLD ENGINEERING, 11-R3D3-1775
104. TEAM DRIVE IN OROVILLE LLC DBA SONIC BURGER, 12-R2D1-2349
105. TRI-STATE STAFFING, 12-R4D3-1460 THROUGH 1462
106. UNIVERSALE LUMPERS OF CALIFORNIA, INC., 11-R2D4-1340
107. VIVINT SOLAR DEVELOPER, LLC, 13-R2D2-0158 AND 0159
108. WARMERDAM PACKING CO., LLC, 12-R6D3-2084 AND 2085
109. WALNUT VALLEY USD DBA CJ MORRIS ELEMENTARY SCHOOL,  
12-R3D6-2403
110. WALNUT VALLEY USD DBA EVERGREEN ELEMENTARY SCHOOL,  
12-R3D6-2664

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- 111. WALNUT VALLEY USD DBA SOUTH POINTE MIDDLE SCHOOL,  
12-R3D6-2400
- 112. WALNUT VALLEY USD DBA SUZANNE MIDDLE SCHOOL, 12-R3D6-2399
- 113. WALNUT VALLEY USD DBA WALNUT ELEMENTARY SCHOOL,  
12-R3D6-2401 AND 2402
- 114. WALNUT VALLEY USD DBA WALNUT HIGH SCHOOL, 12-R3D6-2405
- 115. WEST COAST PACKING, INC., 13-R4D7-0069 THROUGH 0071
- 116. WIRE GUARD SYSTEMS INC., 12-R6D2-1297 THROUGH 1301
- 117. WHEELS AMERICA SAN FRANCISCO, LLC, 12-R1D4-0514 THROUGH 0515
- 118. YORKSHIRE ROOFING OF NORTHERN CALIFORNIA, INC., 12-R2D2-3570

**PERSONNEL:** *(Issues regarding staff.)*

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.